

1 **Senate Bill No. 83**

2 (By Senator Stollings)

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4 [Introduced January 14, 2014; referred to the Committee on Government Organization; and then
5 to the Committee on the Judiciary.]

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10 A BILL to amend and reenact §30-6-8, §30-6-10 and §30-6-17 of the Code of West Virginia, 1931,
11 as amended, all relating to funeral service and embalming licenses; modifying educational
12 requirements; prohibiting funeral director who is currently on probation or other disciplinary
13 action from supervising an apprentice during period of disciplinary action; and extending
14 certain time frames.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §30-6-8, §30-6-10 and §30-6-17 of the Code of West Virginia, 1931, as amended, be
17 amended and reenacted, all to read as follows:

18 **ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.**

19 **§30-6-8. Embalmer license requirements.**

20 (a) The board shall issue a license to practice embalming to an applicant who:

21 (1) Is of good moral character;

22 (2) Is eighteen years of age or over;

1 (3) Is a citizen of the United States or is eligible for employment in the United States;

2 (4) Has a high school diploma or its equivalent;

3 (5) Has completed one of the following education requirements, as evidenced by a transcript
4 submitted to the board for evaluation:

5 (A) (i) Has ~~an associate~~ a bachelor's degree from an accredited college or university; ~~or~~ and

6 ~~(ii) Has successfully completed at least sixty semester hours or ninety quarter hours of~~
7 ~~academic work in an accredited college or university toward a baccalaureate degree with a declared~~
8 ~~major field of study; and~~

9 ~~(iii)~~ (ii) Has graduated from a school of mortuary science, accredited by the American Board
10 of Funeral Service Education, Inc, which requires as a prerequisite to graduation the completion of
11 a course of study of not less than twelve months; or

12 (B) Has a bachelor degree in mortuary science from an accredited college or university;

13 (6) Has completed a one-year apprenticeship, under the supervision of a licensed embalmer
14 and funeral director actively and lawfully engaged in the practice of embalming and funeral directing
15 in this state, which apprenticeship consisted of:

16 (A) Diligent attention to the work in the course of regular and steady employment and not
17 as a side issue to another employment; and

18 (B) The apprentice taking an active part in:

19 (i) The operation of embalming not less than thirty-five dead human bodies; and

20 (ii) Conducting not less than thirty-five funeral services;

21 (7) Passes, with an average score of not less than seventy-five percent, the following
22 examinations:

1 (A) The National Conference of Funeral Services examination at a testing site provided by
2 the national conference, which passage is a condition precedent to taking the state law examination;

3 (B) The state law examination administered by the board, which examination must be offered
4 at least twice each year; and

5 (C) Any other examination required by the board; and

6 (8) Has paid all the appropriate fees.

7 (b) A license to practice embalming issued by the board prior to July 1, ~~2012~~, shall 2015, is
8 for all purposes ~~be considered~~ a license issued under this section: *Provided*, That a person holding
9 a license issued prior to July 1, ~~2012~~, 2015, must renew the license pursuant to the provisions of this
10 article.

11 **§30-6-10. Funeral service license requirements.**

12 (a) Commencing July 1, ~~2003~~, 2015, the board shall issue a license to practice embalming
13 and funeral directing, which license shall be known as a funeral service license, to an applicant who
14 meets the following requirements:

15 (1) Is of good moral character;

16 (2) Is eighteen years of age or over;

17 (3) Is a citizen of the United States or is eligible for employment in the United States;

18 (4) Holds a high school diploma or its equivalent;

19 (5) Has completed ~~one~~ of the education requirements for an embalmer's license, set out in
20 subdivision (5), subsection (a), section eight of this article; and

21 (6) Has paid all the appropriate fees.

22 (b) A license to practice embalming and funeral directing issued by the board prior to July

1 1, ~~2003~~, 2015, shall for all purposes be considered a license issued under this section.

2 (c) A person holding a license to practice embalming and funeral directing issued prior to
3 July 1, ~~2003~~, 2015, must after July 1, ~~2003~~, 2015, renew his or her license pursuant to the provisions
4 of this section.

5 (d) After July 1, ~~2003~~, 2015, wherever the terms “license to practice embalming and funeral
6 directing” or “embalming and funeral directing license” are used in the code, the term “funeral
7 service license” ~~shall apply~~ applies.

8 **§30-6-17. Apprenticeship.**

9 (a) After January 1, ~~2003~~, 2015, the board shall issue a registration to be an apprentice funeral
10 director or apprentice embalmer to an applicant who meets the following requirements:

11 (1) Is of good moral character and temperate habits;

12 (2) Is eighteen years of age or over;

13 (3) A citizen of the United States or be eligible for employment in the United States;

14 (4) Has a high school diploma or its equivalent;

15 (5) Has completed ~~one of~~ the education requirements for an embalmer’s license, as set out
16 in subdivision (5), subsection (a), section eight of this article;

17 (6) Is not attending school and will not be attending school during the apprenticeship period;

18 and

19 (7) Has paid the appropriate fees.

20 (b) Any person that commences an apprenticeship prior to January 1, ~~2003~~, 2016, may
21 continue to serve such apprenticeship and is not subject to the requirements set forth in this section,
22 but is subject to board approval.

1 (c) The board may set the requirements for an apprenticeship, including the manner in which
2 it shall be served and the length of time, which shall not be more than one year.

3 (d) ~~No~~ A licensed funeral director or licensed embalmer ~~shall be~~ is not permitted to register
4 or have registered more than five apprentices under his or her license at the same time. A funeral
5 director is not permitted to supervise an apprentice during the period his or her license is on
6 probation or while under other disciplinary action.

NOTE: The purpose of this bill is to promote the professionalism of funeral directors by requiring either an undergraduate bachelor's degree and one year of mortuary college or a bachelor's degree in funeral science as educational requirements. The bill also allows all apprentice applicants prior to July 1, 2016 to complete their apprenticeship program under the current educational requirements. It also prohibits a funeral director who is currently on probation or other disciplinary action from supervising an apprentice during the period of disciplinary action.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.